

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: ERIC JAMES LOVELL, DEBTOR

CASE NO. 17-14380

**MOTION FOR SANCTIONS FOR WILLFUL VIOLATION
OF THE AUTOMATIC STAY AND DISCHARGE INJUNCTION**

COMES NOW the debtor, by and through counsel, and files this Motion for Sanctions for Willful Violations of the Automatic Stay and Discharge Injunction against Southern Security Federal Credit Union and would show unto the Court the following:

1. Debtor filed for relief under Chapter 13 of the Bankruptcy Code on November 16, 2017.
2. The Creditor was listed as both a secured and unsecured creditor on Debtor's Schedule D and F, and on the Creditor Matrix.
3. Southern Security Federal Credit Union was aware of the bankruptcy and forwarded reaffirmation agreements to counsel for the Debtor on January 18, 2018.
4. Debtor's attorney send numerous letters and emails to Southern Security Federal Credit Union and/or its attorney advising them to stop drafting payments from Debtor's account, stop reporting inaccurate information to his credit report, and discontinue transferring the account for collection. Attached hereto as Exhibit "A" please find a copy of the letters dated July 19, 2018 and November 1, 2018 sent to Southern Security Federal Credit Union and its attorney.
5. On October 19, 2018 Southern Security Credit Union transferred Debtor's account to a collection agency for further collection activities. Debtor's bankruptcy was

filed in November of 2017 and discharged in March of 2018.

6. Attached hereto as Exhibit "B" please find the collection notice my client received from Universal Collection Systems and an email from the Universal Collection Systems stating that they received the account on October 19, 2018, and were not informed that the account had been discharged in bankruptcy.
7. Debtor's Transunion credit report currently still shows a delinquent payment for March of 2018 on a Southern Security Federal Credit Union account that was not reaffirmed in the bankruptcy.
8. Prior to filing bankruptcy Debtor had not missed or been late on any payments to Southern Security Federal Credit Union.
9. During the bankruptcy Southern Security Federal Credit Union refused to allow Debtor to reaffirm the debt solely on his vehicle, so Debtor surrendered the vehicle. After surrendering the vehicle Debtor had to purchase a new vehicle, and the inaccurate information on his credit report by Southern Security Federal Credit Union negatively impacted the interest rate Debtor received on said vehicle.
10. Further, the Debtor is currently attempting to purchase a home and the negative inaccurate credit information being reported by Southern Security Federal Credit Union is impacting his ability to obtain a loan as well as impacting the interest rate.
11. Debtor has given Southern Security Federal Credit Union numerous opportunities to correct the problems prior to filing this Motion, but has not been able to get the situation corrected.
12. Despite actual knowledge of the bankruptcy case, Southern Security Federal

Credit Union has continued to attempt to collect a debt from the Debtor.

13. Creditors actions are willful and deliberate and in clear violation of the automatic stay under 11 U.S.C. §362(a) and the discharge injunction provided under 11 U.S.C. §524. An award of sanctions should be entered against them to include punitive damages along with an award of legal fees incurred in bringing this action.

WHEREFORE, PREMISES CONSIDERED, the Debtor requests that this Court find that Creditor, Southern Security Federal Credit Union, has willfully violated the automatic stay under 11 U.S.C. §362(a) and the discharge injunction under 11 U.S.C. §524 and to award sanctions including punitive damages and legal fees to him for bringing this matter before the Court.

RESPECTFULLY SUBMITTED this the 27th day of December, 2018.

/s/ A.E. (Rusty) Harlow, Jr.
Harlow Law Firm
A.E. (Rusty) Harlow, Jr.
Kathi Chrestman

Of Counsel:

A.E. (Rusty) Harlow, Jr., 3089
Kathi Chrestman, 102339
Harlow Law Firm
1306 Sunset Drive, Suite 3
Grenada, MS 38901
662-226-7215
Fax: 662-226-2932
MS Bar No.: 3089

CERTIFICATE OF SERVICE

I, A.E. (Rusty) Harlow, Jr., certify that I have this day mailed via regular mail a true and correct copy of the Motion to the following:

Southern Security Federal Credit Union
765 W. Poplar Avenue
Collierville, TN 38017

Brittan W. Robinson, Esq.
150 Court Avenue
Memphis, TN 38103

Office of the United States Trustee
USTPRegion05.AB.ECF@usdoj.gov

Chapter 7 Trustee
Selene D. Maddox
maddoxtrusteedocuments@gmail.com

This the 27th day of December, 2018.

/s/ A.E. (Rusty) Harlow, Jr.
A.E. (Rusty) Harlow, Jr.